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Convention on the Elimination of All Forms of Discrimination against Women

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Item 4 of the provisional agenda

Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

List of issues and questions in relation to the fifth periodic report of Turkmenistan

Constitutional and legislative framework

1. It is indicated in the report of the State party (CEDAW/C/TKM/5) that the primacy of international law is recognized under the Constitution and that the Constitution is in full compliance with the Convention (paras. 21 and 42–43).[1] Please describe how the primacy of the Convention, as guaranteed by the Constitution, will be reflected in the national legal framework. Please also provide information on whether the State party has any plans to incorporate into national legislation a definition of discrimination against women that prohibits direct and indirect discrimination in the private and public spheres, as well as intersecting forms of discrimination, in line with articles 1 and 2 (b) of the Convention and target 5.1 of the Sustainable Development Goals, on ending all forms of discrimination against all women and girls everywhere. Please also provide information on whether, in addition to civil rights, the Constitution or the State Guarantees for Equal Rights and Opportunities for Women and Men Act ensures equality with respect also to political, economic, social and cultural rights.

2. With reference to the previous recommendations of the Committee (CEDAW/C/TKM/CO/3-4, para. 11), please provide information regarding capacity-building activities for the judiciary and members of the legal profession specifically on the Convention and the Committee's general recommendations, and the impact of such training activities. Please indicate whether the Convention has been invoked in courts and, if so, provide information on the number, nature and outcome of relevant cases.

Note: The present document is being circulated in English, French, Russian and Spanish only.

[1] Unless otherwise indicated, paragraph numbers refer to the fifth periodic report of the State party.

Please recycle

Access to justice

3. It is indicated in the report that, under article 26 of the State Guarantees for Equal Rights and Opportunities for Women and Men Act, "a person subjected to discrimination on the grounds of sex shall have the right to appeal to the appropriate competent body", and that the competent body shall review the complaint and take action within 10 calendar days (paras. 48–50). Please provide more information on this body, including the number of complaints that it has reviewed since its establishment, and indicate whether legal assistance is available to women who wish to make an appeal.

4. It is stated in the report that women have equal access to justice under article 5 of the Courts Act, article 28 of the Constitution and article 11 of the Code of Criminal Procedure (paras. 56–57). Please provide information on the specific mechanisms in place to facilitate women's access to justice, including legal aid schemes and awareness-raising programmes about the legal remedies available to them.

National machinery for the advancement of women

5. In view of the previous recommendations of the Committee (CEDAW/C/TKM/CO/3-4, para. 14), please provide updated information on measures taken to establish one centralized national machinery for the promotion of gender equality and gender mainstreaming, and indicate whether the State Guarantees for Equal Rights and Opportunities for Women and Men Act establishes a specialized body tasked with including a gender perspective in all policies and programmes of the State party. Please also indicate whether the State party has undertaken capacity-building on women's rights for staff of local and State bodies, as well as for public associations that work on the promotion of women's rights and gender equality, and whether there are plans to institutionalize such capacity-building.

6. Please provide information on the main mechanism or body within the State party that is responsible for implementing the national action plan on gender equality, covering the period 2015–2020, including its authority and capacity to fulfil its mandate. Please also provide updated information on activities undertaken, financial resources allocated, progress achieved and how the action plan is being monitored and evaluated. Furthermore, please provide information on how the action plan reflects the State party's commitment to meeting Sustainable Development Goal 5, on achieving gender equality and empowering all women and girls.

National human rights institution

7. Please indicate whether the law on the Human Rights Ombudsman includes guarantees for the independence of the institution, in line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). Please provide more information on the mandate of the Ombudsman, in particular with regard to the promotion and protection of women's rights. Please also provide information on whether the Ombudsman has been allocated sufficient human and financial resources.

Temporary special measures

8. Concerning the specific measures outlined in the national action plan on gender equality, covering the period 2015–2020, please provide the Committee with updated information on: what has been done to implement temporary special measures, in line with article 4 (1) of the Convention, aimed at achieving substantive equality of women and men in all areas; the results of the review conducted by relevant ministries and government departments, as well as public organizations, on the use of quotas

aimed at achieving substantive equality of women and men, and how the review will inform the implementation of future temporary special measures (para. 80); the creation of new posts for women, especially in rural areas, to increase their competitiveness in the labour market (para. 81); the extent and impact of leadership training aimed at building the skills of women to participate in political life (para. 79); and measures taken to raise awareness, particularly among government officials, employers and the general public, of the use of temporary special measures.

Stereotypes and harmful practices

9. Please indicate what measures the above-mentioned action plan includes to change and eliminate stereotypes that discriminate against women (para. 69). With reference to related activities planned or initiated by the State party (para. 82), please inform the Committee whether those activities are linked to a comprehensive strategy that addresses discriminatory patriarchal attitudes and harmful practices, and whether public education programmes and awareness-raising campaigns on the equality of women and men have been expanded to rural and remote areas. Please also describe the measures taken to combat harmful practices, in particular, and how the media and the education system have been enhanced to promote a positive and non-stereotypical portrayal of women. Furthermore, please indicate whether any such activities are being implemented in collaboration with civil society and community leaders. Please also describe how school curricula address discriminatory patriarchal attitudes and harmful practices.

Gender-based violence against women

10. With reference to the Committee's previous recommendations (CEDAW/C/TKM/CO/3-4, para. 23) and its general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, please provide updated information on the timeline for the adoption of a comprehensive law addressing all forms of gender-based violence against women, including domestic and sexual violence. Please also clarify whether the State party plans to adopt a comprehensive national plan to combat such violence and expand and institutionalize capacity-building for judges, prosecutors, police officers, health-care providers, journalists and school staff on preventing and combating domestic violence, along the lines of the courses described in paragraph 152. Please also provide updated information on the status of the study or survey on the prevalence of violence against women and its root causes, consultations on the preparation of a related draft law, and public awareness-raising events (para. 85).

11. The State party indicates that "in the first six months of 2016, 1,051 complaints were received from women in families in which men occasionally abuse alcohol or use drugs" (para. 98). Please clarify whether those complaints were submitted directly to the Ministry of Internal Affairs, what proportion of them involved gender-based violence against women, including sexual and domestic violence, how many resulted in prosecutions and what kind of assistance was provided to the women who were victims. Please also clarify whether the complaint mechanism under the Ministry is the primary mechanism through which women and girls may report such cases, and indicate what measures have been taken by the State party to destigmatize victims and encourage them to report such cases to the police. Please indicate whether shelters have been established for victims of gender-based violence, particularly in rural areas, and provide statistical data on domestic and sexual violence, disaggregated by sex, age and relationship between victim and perpetrator.

Trafficking and exploitation of prostitution

12. Please provide information on how the national action plan on combating trafficking in persons, covering the period 2016–2018, has been harmonized with the new Countering Trafficking in Persons Act (para. 103). Please provide updated information on the implementation of the action plan, including the status of the draft standard operating procedures for the identification of victims of trafficking (para. 108). Please indicate whether studies or surveys have been conducted on trafficking and the exploitation of prostitution, including on the prevalence of prostitution, and how the results have informed the implementation of the action plan and related programmes. Please also describe the programmes in place to ensure the rehabilitation and social integration of victims of trafficking and exploitation of prostitution, including the availability of shelters and exit programmes for women wishing to leave prostitution, and provide data disaggregated by sex on the extent and forms of exploitation of prostitution in the State party. Furthermore, please provide information on measures taken by the State party to conclude bilateral, regional and international agreements to facilitate cooperation on implementing the action plan.

Participation in political and public life

13. With regard to the measures taken by the State party to increase the participation of women in political and public life (para. 124), please provide information on any plans to use temporary special measures, such as quotas, to accelerate the equal representation of women in decision-making positions, including in the parliament, local councils and high-level government positions. Please also provide updated data on the number of women in the parliament and in the diplomatic service, and information on the mechanisms or strategies in place to ensure their full and equal participation in the planning, implementation, monitoring and evaluation of development policies and community projects. Furthermore, please provide information on any steps taken by the State party to provide capacity-building for politicians, journalists, teachers and community leaders on gender equality, and on leadership, management and policymaking to build the capacities of women in decision-making positions and women candidates. Please also describe measures taken to ensure the participation of women in civil society and the safety and security of human rights defenders.

Education

14. Please provide updated information on the implementation of the amended Education Act, in particular with regard to the transition to a 12-year education system, and on any follow-up to the State programme for the development of the education system, covering the period 2012–2016, and how those reforms address the barriers faced by women and girls in terms of access to education. Please provide statistical data on secondary school enrolment and completion rates among girls, and on the proportion of women in higher education. Please also provide information on any programmes on sexual and reproductive health and rights in school curricula.

15. With reference to the previous recommendations of the Committee (CEDAW/C/TKM/CO/3-4, para. 31), please describe the measures taken, including any temporary special measures, to remove barriers to the access by women and girls to education in rural areas. In that regard, please elaborate on whether those measures include steps to reduce school dropout rates among girls, prevent them from dropping out and strengthen the implementation of re-entry policies for girls to return to school, including for young mothers following childbirth. Please also inform the Committee about the availability of career counselling for girls to orient them to non-traditional career paths, in particular in mathematics, engineering, information technology and

natural sciences. Furthermore, please provide information on any safeguards in place to ensure that sexual harassment and abuse of girls in schools are investigated and the perpetrators punished under criminal law.

Employment

16. It is indicated in the report that "minor differences in pay between men and women ... based on the ability of only one specific sex to perform the functions concerned" are not considered discriminatory under article 6 of the State Guarantees for Equal Rights and Opportunities for Women and Men Act (para. 185). Please clarify which professions are covered by this caveat and provide information on maternity protection and paternity leave under the law of the State party (para. 203). Please provide more information on the implementation of the national programmes, including specific measures taken and results achieved, aimed at developing women's potential with regard to, inter alia, job creation, skills development and the strengthening of women's "participation in sectors with high levels of pay" (para. 136). Furthermore, please provide information on how the Employment Act of 2016 will ensure decent work for women as well as the equality of women and men with respect to employment, in line with the International Labour Organization Equal Remuneration Convention, 1951 (No. 100), and Discrimination (Employment and Occupation) Convention, 1958 (No. 111). Please also provide information on measures taken to prevent and combat forced labour in the State party and to provide support to victims of forced labour.

17. Please indicate whether temporary special measures are used under the State Guarantees for Equal Rights and Opportunities for Women and Men Act to ensure equal employment opportunities. In view of the previous recommendations of the Committee (CEDAW/C/TKM/CO/3-4, para. 33), please clarify whether the State party has reviewed the Labour Code to analyse its impact on women's opportunities in the labour market. Please also indicate which groups of women have access to public benefits and social protection measures under the Social Protection Code, which ensures such benefits for "certain categories of citizens" (para. 188), and whether women working in the informal sector also have access to those benefits. Furthermore, please provide information on any steps taken by the State party to explicitly criminalize sexual harassment in the workplace, and indicate whether the retirement age of women and men in the State party is the same. Please also provide information on the availability and affordability of childcare facilities in the State party to allow women to reconcile work and family life.

Health

18. Please indicate whether the services of reproductive health centres (paras. 223–226) are affordable and available to women in rural areas and whether the State party has introduced government procurement of modern contraceptives. Please provide more detailed information on the assessment that was undertaken in 2015 of family planning services, antenatal care, obstetrics, sexually transmitted infections, reproductive health services for adolescents and the detection of cervical cancer (para. 229) and indicate whether the findings have informed the implementation of relevant policies. Furthermore, please provide data, disaggregated by sex and region, on the prevalence of HIV in the State party.

Rural women

19. Please provide more information on measures taken to improve access to health care, education and formal employment for rural women. With reference to the previous recommendations of the Committee (CEDAW/C/TKM/CO/3-4, para. 23), please provide information on whether rural women have access to shelters and

rehabilitation for victims of gender-based violence. Please also provide information on the participation of rural women in the development of policies affecting them.

Marriage and family relations

20. With reference to the previous recommendations of the Committee (CEDAW/C/TKM/CO/3-4, para. 39), please provide information on measures taken by the State party to enforce the prohibition of polygamy, and the number of perpetrators that have been convicted of the crime of polygamy since the revision of the Criminal Code in 2010. Please also indicate whether the State party has made plans to review its Family Code with a view to extending existing legal protection to couples living in de facto unions.

Amendment to article 20 (1) of the Convention

21. Please indicate what progress has been made towards acceptance of the amendment to article 20 (1) of the Convention concerning the meeting time of the Committee.